

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 20 2010 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PINCHAS FISCHER and FRIMTCHA FISCHER,

Plaintiffs,

— against —

MEMORANDUM and ORDER

MARTA BENA PELIGANGA, MISSION OF ANGOLA,
and YOSEF HIRSCH,

09-CV-3679 (SLT)(SMG)

Defendants.
-----X

TOWNES, United States District Judge:

This is a personal injury action arising from a two-vehicle accident involving a car occupied by plaintiffs and a car driven by defendant Peliganga, the wife of a diplomat employed by the Mission of Angola. In August 2009, defendants removed the case to this Court.

During a telephone conference before Magistrate Judge Steven M. Gold on March 29, 2010, the parties announced that they had reached a settlement. Although plaintiffs' counsel stated that he intended to file a Stipulation of Discontinuance within a week, he failed to do so. Accordingly, on April 6, 2010, Magistrate Judge Gold issued a report and recommendation (the "R&R"), recommending that "all claims in this action be dismissed with prejudice unless a motion to re-open is filed within 30 days of any Order adopting this report and recommendation." R&R at 1. That order was served on the parties via ECF on April 6, 2010.

To date, neither party has filed objections to the R&R. A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Accordingly, the R&R is adopted as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Magistrate Judge Gold's Report and Recommendation dated April 6, 2010, is adopted in its entirety. This action is dismissed with prejudice and the Clerk of Court is directed to close this case.

SO ORDERED.

17
s/ SLT

SANDRA L. TOWNES
United States District Judge

Dated: May *19*, 2010
Brooklyn, New York